UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Magistrate Docket No. '08 MJ 0 9 5 7
Plaintiff, V.) COMPLAINT FOR VIOLATION OF:) Title 8, U.S.C., Section 1326
Jorge SEPULVEDA-Uribe,	Deported Alien Found in theUnited States
Defendant) _)

The undersigned complainant, being duly sworn, states:

On or about March 27, 2008 within the Southern District of California, defendant, Jorge SEPULVEDA-Uribe, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT

James Trombley Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 28th DAY OF MARCH 2008.

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT: Jorge SEPULVEDA-Uribe

PROBABLE CAUSE STATEMENT

On Thursday, March 27, 2008, Border Patrol Agent E. Pepe was performing his assigned duties near Boulevard, California. Boulevard is located approximately 20 miles east of the Tecate, California Port of Entry and approximately four miles north of the United States/Mexico International Border.

At approximately 7:20 a.m., Agent Pepe responded to an area known as "Calexico Lodge" to assist Border Patrol Agent C. Salorio who had been following the footprints of a group of suspected illegal aliens. Agent Salorio showed Agent Pepe where the footprints crossed Old Highway 80, approximately 100 yards east of mile marker 27. Old Highway 80 is located approximately four miles north of the United States/Mexico International Border.

Agent Pepe began to follow the footprints north of Old Highway 80 into Calexico Lodge. At approximately 7:45 a.m., Agent Pepe found with 14 individuals attempting to conceal themselves underneath some bushes. Agent Pepe identified himself as a United States Border Patrol Agent and questioned each of the individuals concerning their citizenship. All fourteen, including one individual later identified as the defendant **Jorge SEPULVEDA-Uribe**, freely admitted that they were citizens of Mexico not in possession of any immigration documents that would allow them to enter or remain in the United States. Agent Pepe placed all 14 of the individuals under arrest and transported them to the Boulevard Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **September 24, 2007** through **Calexico**, **California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally. The defendant stated he was going to Los Angeles, California.

James Trombley Senior Patrol Agent

William McCurine Jr.

U.S. Magistrate Judge

Date/Time